

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6056 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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PURSHOTTAM CHAKUBHAI PATEL

Versus

NARODA NAGAR PANCHAYAT

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Appearance:

MR PV HATHI for Petitioner

MR BP TANNA for Respondent No. 1, 3

NOTICE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 16/03/98

ORAL JUDGEMENT

1. The petitioner had joined Naroda Nagar Panchayat as a Clerk in 1952 and was made permanent in 1957. He was promoted as Sanitary Inspector in the year 1961. By the notification dated 19.10.1970, he was appointed as Food Inspector by the State Government. He continued to work as Sanitary-cum-Food Inspector in Naroda Nagar Panchayat. His service came to be terminated by Naroda

Nagar Panchayat after holding inquiry in 1984. That order of dismissal is challenged in this petition.

2. However, during the pendency of the petition, he was reinstated by the panchayat and thereafter the Naroda Nagar Panchayat is merged into Ahmedabad Municipal Corporation and, therefore, the Ahmedabad Municipal Corporation is joined as respondent no.3. His service was taken over by the Municipal Corporation and in 1988, he retired from service on reaching the age of superannuation.

3. In view of all these developments, the order of dismissal did not survive on his reinstatement and, therefore, this petition also now does not survive. If the petitioner is not paid his retirement dues and benefits, the same shall be paid to him within three months. Since the petitioner has retired in 1988, in 1998 after ten years, nothing should remain outstanding on account of retirement dues.

This petition has become infructuous and is disposed of accordingly. Rule discharged.

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mhs/-